

DUTY STATEMENT

DS 3022 (4/2022)

DEPARTMENT OF DEVELOPMENTAL SERVICES**Operations****Office of Legal Affairs****DUTY STATEMENT****JOB TITLE:** Assistant Chief Counsel**POSITION #:** 472-542-5871-001

POSITION DESCRIPTION: Under the general direction of the Chief Counsel, the Assistant Chief Counsel (ACC) is responsible for the day-to-day management of the Office of Legal Affairs, including the supervision of attorneys and support staff providing a broad range of legal services. Either with the assistance of staff attorneys or acting independently, the ACC will often take the lead in developing options for the Chief Counsel and the Department's (DDS) Executive Staff on a diverse range of significant legal issues such as proposed legislation, complex regulatory packages, Public Records Act (PRA) issues, complex litigation matters, peace officer matters, oversight of DDS health facilities, sensitive personnel/employment matters, complex fiscal audits, probate conservatorships, contracts, and administrative hearings. The position requires the exercise of outstanding judgment, professionalism and adherence with the Rules of Professional Conduct at all times.

SUPERVISION EXERCISED: Supervises Attorney IVs, Attorney IIIs, and other professional and support classifications.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel.

ESSENTIAL JOB FUNCTIONS:

- 30% Develop strategic policy, provide legal advice to Executive Staff, and oversee the drafting of sensitive and complex legislation amending the Lanterman Act and other laws controlling the administration of DDS programs. Provide legal advice in matters affecting program development and operational policies in implementing proposed legislation such as trail bill language. Provide policy direction and oversee drafting of and review of new and amended California Code of Regulations provisions.
- 25% Either independently or with the assistance of staff attorneys, provide legal advice and develop recommendations to the Chief Counsel and Executive Staff on complex litigation (including class actions) related to programs for individuals with developmental disabilities, the 21 regional centers, and state-operated facilities including Porterville Developmental Center (PDC), Canyon Springs (CS) community facility, and the Stabilization Training Assistance Reintegration (STAR) crisis homes. Effectively represent and advocate for DDS in conservatorship matters, civil litigation, criminal proceedings, and in complex administrative matters before bodies such as the State Personnel Board and the Office of Administrative Hearings. Prepare and review legal briefs prior to filing in court and participate in sensitive mediations and settlement negotiations to resolve lawsuits in the best interests of the State. Consult with CalHHS Agency officials, the California Attorney General's Office, the Governor's Office, disability advocates, and other stakeholders, as needed.

- 25% Organize and direct the work of staff attorneys to provide legal services and advice on matters within the scope of DDS's responsibilities such as PRA requests, Health Insurance Portability and Accountability Act (HIPAA) and privacy issues, community placement plan housing issues, COVID-related issues, fiscal audits, fair hearings, conservatorships, personnel/employment issues, contracts, and civil commitment and incompetent to stand trial issues. Either with the assistance of staff attorneys or acting independently, provide legal assistance to DDS staff to ensure compliance with the Lanterman Developmental Disabilities Services Act (Lanterman Act), Title 17 regulations applicable to DDS, and other relevant laws. Review and approve staff work product. Evaluate staff performance and ensure appropriate training and professional development of attorneys and staff. Serve as acting Chief Counsel when he or she is absent from the office. Execute and monitor contracts for outside counsel, fair hearings, and other services required by the Office of Legal Affairs.
- 10% Provide legal assistance to and oversee the work of the Department's Privacy and Information Security Officers to ensure compliance with mandated standards for the privacy, confidentiality, and security of protected health information. Ensure compliance with state and federal laws regarding the breach of protected health information. Work cooperatively with outside counsel and other professionals on communicating and reporting of security breaches and provide legal advice on any corrective actions.
- 10% Oversee and manage records requests made to DDS and provide legal advice and assistance in appropriately responding to complex and sensitive PRA requests and subpoenas. Provide technical assistance to DDS PRA coordinators regarding disclosure and confidentiality of public records. Personally review the most sensitive records prior to disclosure to ensure compliance with relevant law.

WORKING CONDITIONS: The office is located in a newly constructed, multi-story building in downtown Sacramento. In-person and telework hybrid option available. Work requires the use of a personal computer 65-85% of time. Occasional daytime and overnight statewide travel may be required. Transport legal files and documents, as needed, to locations inside and outside the normal worksite for hearings and meetings. File boxes of documents may weigh up to 50 lbs. each and a file may constitute more than one box.

DESIRABLE QUALIFICATIONS:

Knowledge of: The programs, policies, and activities of the Department, including state-operated facilities, and community organizations such as regional centers. Organization and functions of California State Government including the organization and practices of the Legislature, Judicial and the Executive Branches. Formal and informal aspects of the legislative process and processes for implementation of the Administration's and DDS' goals and policies. Principles and practices of policy formulation and development. Practices of employee supervision, including but not limited to state and federal employment laws and civil service requirements, the disciplinary process, and Equal Employment Opportunity requirements,

Ability to: Perform research and analysis and apply legal principles, facts and precedents to legal problems or questions. Present statements of fact, law, and argument clearly and logically. Adopt and implement effective courses of action in a timely manner. Effectively assess and respond to written, verbal and electronic communications to provide legal advice to Department administrators, managers, supervisors, investigators, and their subordinates. Develop and

maintain cooperative and harmonious relationships with department personnel, regional centers, with representatives of all levels of government, and other stakeholders.

CERTIFICATION OR LICENSE: Must be an active member of the California State Bar.